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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 MICHAEL KAIL,

11 Defendant.

Case No. [18-cr-00172-BLF-1](#)

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

[Re: ECF 11]

12
13 Before the Court is a motion by Benjamin W. Williams (“Movant”) to withdraw as counsel
14 for Defendant Michael Kail. Mot., ECF 11. Movant represents that on September 5, 2018, he
15 swore an oath of office to become a Court Commissioner for the Santa Clara County Superior
16 Court. *Id.* at 1–2. In his declaration, Movant states that Mr. Kail and the government do not
17 oppose his withdrawal. *Id.* The decision to permit counsel to withdraw is within the discretion of
18 the trial court. *Young v. Chapman*, No. 11-CV-01083, 2018 WL 679464, at *1 (N.D. Cal. Feb. 1,
19 2018) (citing *United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009)). The Court finds that
20 Movant has provided sufficient reasons to justify Movant’s withdrawal as counsel for Mr. Kail.
21 Movant is no longer able to serve as counsel due to his appointment as a judicial officer. The
22 Court therefore GRANTS Movant’s motion to withdraw as counsel.

23 **IT IS SO ORDERED.**

24 Dated: September 11, 2018

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26 BETH LABSON FREEMAN
27 United States District Judge
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